

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

PHILLIP MCCAIN (SPN #01994778),

Plaintiff,

v.

RYAN WHITE PLANNING
COUNCIL, *et al.*,

Defendants.

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CIVIL ACTION NO. H-05-4179

ORDER IMPOSING SANCTIONS

On December 15, 2005, this Court dismissed the civil rights complaint filed by Harris County Jail inmate Phillip McCain after finding that he is barred from proceeding *in forma pauperis* by 28 U.S.C. § 1915(g). McCain has filed a notice of appeal from that decision. Pending before the Court is a motion for a pretrial hearing on motions to suppress evidence against him in a criminal case pending against him in state court. (Doc. #21). As explained to McCain previously (Docs. #11, #14), this case has been closed for several months and this Court has no jurisdiction over his state court proceedings. The Court has warned McCain previously that he would face sanctions, including monetary penalties, if he continues to abuse judicial resources by filing frivolous motions in this closed case. (Doc. #14). McCain has not heeded that warning.

Accordingly, it is **ORDERED** that the pending motion (Doc. #21) is **DENIED**.

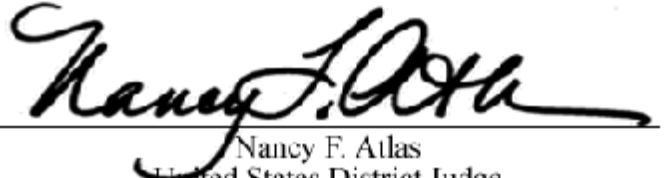
Further, the Court **SANCTIONS** McCain in the amount of **fifty dollars (\$50.00)** for abusing judicial resources. Additional sanctions will be imposed if McCain continues to file

meritless motions in this closed case.

Officials in charge of the inmate trust fund at the Harris County Jail are **ORDERED** to place a hold on the account belonging to Phillip McCain (SPN #01994778) and to forward payments to the Court until the entire fifty dollar sanction is paid.

The Clerk of Court will send a copy of this order to the plaintiff, and to the Harris County Jail Inmate Trust Fund, Attn: Sergeant M.E. McKinney, 1301 Franklin, Houston, Texas, 77002, phone: (713) 755-8436.

SIGNED at Houston, Texas, on **April 24, 2006.**



Nancy F. Atlas
United States District Judge